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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/823,384

Applicant(s)

MATHIESON, RONO JAMES

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

### **Status of Claims:**

Claims 1-20 are pending in this Office Action.

The claim objection on claim 20 is withdrawn.

Claims 1-5, 7, 11-20 are rejected under 35 U.S.C. 103(a) as unpatentable by U.S. Patent No. 5,974,234 by Levine et al in view of U.S. Patent No. 6,157,941 by Verkler et al.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as unpatentable by U.S. Patent No. 5,974,234 by Levine et al in view of U.S. Patent No. 6,157,941 by Verkler et al in further view of U.S. Patent No. 6,490,611 by Shen et al.

### **Allowable Subject Matter**

Claims 6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: The examiner suggests changing "the identified queue" on lines 5 and 7 of the claim to "determined queue."

Appropriate correction is required.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 12/10/2004 have been considered but are moot in view of the new ground(s) of rejection.

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**Applicant's invention as claimed:**

**Claims 1, 3-5, 7, 11-20 are rejected under 35 U.S.C. 103(a) as unpatentable by U.S. Patent No. 5,974,234 by Levine et al in view of U.S. Patent No. 6,157,941 by Verkler et al.**

Regarding claim 1,

The Levine reference teaches a method for managing multiple queues (Levine: col. 10, lines 62-64; col. 10, line 52; each device has a queue and the invention issues job management to a devices), comprising:

monitoring status for jobs in a first queue on a first system (Levine: col. 9, lines 24-47; composite queue and status information);

monitoring status for jobs in a second queue on a second system different than the first system (Levine: col. 10, lines 45-54; each device has its own queue), and

managing the jobs in the first queue and the second queue from a same queue manager (Levine: col. 8, lines 44- col. 9, line 2; ESS Query Utility).

The Levine reference teaches different devices but does not have them connected through a network.

The Verkler reference teaches a first system with a queue and a second system with a queue being located on different independently operating computer devices connected together through an Internet network or Local Area Network (LAN) (Verkler: col. 8, lines 38-53).

The Verkler reference further teaches the invention is able to use balancing algorithms to distribute requests to more able agents (Verkler: col. 8, lines 38-53).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the method for managing multiple queues as taught by Levine while implementing the queues on separate devices across the network as taught by Verkler in order to use balancing algorithms to distribute requests to more able agents (Verkler: col. 8, lines 38-53).

Claims 2-5, 7 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Levine and Verkler.

Regarding claim 2, a method according to claim 1 wherein the first system is a network server (Levine: col. 10, lines 22-55; col. 15, lines 63-67) coupled to the network (Verkler: col. 3, lines 3-13) and the second system is a peripheral device (Levine: col. 10, lines 45-54; each device; devices are Figure 5, tag 200) coupled to the network and including:

monitoring both the first queue on the network server and the second queue on the peripheral device remotely through the network so that jobs for the first and second queue appear together as a single displayed list of queue jobs (Levine: col. 9, lines 24-37; col. 10, lines 5-44);

receiving user job requests that effect the status of jobs in both the first queue in the network server and the second queue in the peripheral device (Levine: col. 10, lines 5-21); and

automatically controlling the jobs in both the first queue and the second queue through commands sent over the network so that user job requests are conducted in conjunction with both the first queue and second at the same time (Levine: col. 8, lines 44- col. 9, line 2; col. 9, lines 24-42).

Regarding claim 3, a method according to claim 1 including displaying the jobs from the first queue and the second queue on a same user interface (Levine: col. 9, lines 57-60; the composite queue is the composite of the device queues).

Regarding claim 4, a method according to claim 3 including displaying on the user interface which of the first queue or the second queue is storing the different jobs (Levine: col. 10, lines 45-57; col. 14, lines 9-24; class references a type of device).

Regarding claim 5, a method according to claim 1 including:

receiving a select request to cancel one of the jobs (Levine: col. 16, lines 6-7, lines 23-24);

identifying the first or second queue currently storing the selected job (Levine: col. 16, line 6, 10-11; device name identifies the queue) remotely over the network (Levine: col. 8, lines 7-19; 44-58);

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sending a cancel request to the identified queue (Levine: col. 16, lines 22-24) over the network (Levine: col. 8, lines 7-19; 44-58);  
removing an identifier for the selected job from the queue manager when a confirmation is received (Levine: col. 16, lines 25-26) over the network (Levine: col. 8, lines 7-19; 44-58);  
sending a cancel request over the network to the other one of the first or second queue when a cancel failure is received over the network from the identified queue (Levine: col. 15, lines 63-67; col. 17, lines 20-26; col. 8, lines 7-19; 44-58); and  
removing an identifier for the job from the queue manager when a confirmation is received over the network from the other one of the first and second queue (Levine: col. 16, lines 25-26; col. 17, lines 18-28).

Regarding claim 7, a method according to claim 1 including:

receiving a selection request to change priority for one of the jobs (Levine: col. 16, lines 4-5, lines 23-24);  
sending a same query over the network to both the first and second system to determine which of the first or second queue storing the selected job (Levine: col. 8, lines 12-15; client sends request to ESS and ESS sends request through VMC to device queue; col. 9, lines 42-47; col. 16, line 6, 10-11);  
sending a request to change priority of the selected job to the identified queue (Levine: col. 16, lines 4-5, lines 23-24); and  
changing the priority identified for the job (Levine: col. 16, lines 4-5) when a priority confirmation is received from the identified queue (Levine: col. 16, lines 25-26, col. 17, lines 20-28).

Regarding claim 11, a computer for providing queue management (Levine: col. 10, lines 62-64; col. 10, line 52; each device has a queue and the invention issues job management to a devices), comprising

a processor adapted to remotely monitor status of a server queue in a network server by sending server queue query messages over an Internet network or Local Area network (Levine: col. 10, lines 5-21; client monitors ESS through UI though internet) and remotely monitor status of a device queue in a peripheral device by sending separate peripheral queue query messages over the network, (Levine: col. 7, lines 25-31; col. 14, lines 45-60; ); and  
a user interface adapted to display and manipulate the status of jobs in the first queue and second queue at the same time remotely over the network (Levine: col. 10, lines 45-57; col. 14, lines 9-24; class references a type of device).

The Levine reference teaches different devices but does not have them connected through a network.

The Verkler reference teaches a first system with a queue and a second system with a queue being located on different independently operating computer devices connected together through an Internet network or Local Area Network (LAN) (Verkler: col. 8, lines 38-53).

The Verkler reference further teaches the invention is able to use balancing algorithms to distribute requests to more able agents (Verkler: col. 8, lines 38-53).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the method for managing multiple queues as taught by Levine while implementing the queues on separate devices across the network as taught by Verkler in order to use balancing algorithms to distribute requests to more able agents (Verkler: col. 8, lines 38-53).

Claims 12-14, 16-18 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Levine and Verkler.

Regarding claim 12, a computer according to claim 11 wherein the processor receives a request from the user interface to cancel a job and sends a cancel request to the server queue or device queue storing the job (Levine: col. 16, lines 6-7, lines 23-24).

Regarding claim 13, a computer according to claim 12 wherein the processor removes the job from a single list of jobs displayed on the user interface when a confirmation is received from the server or device queue that the job is cancelled (Levine: col. 8, lines 24-47; col. 16, lines 25-26; col. 17, lines 18-28).

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Regarding claim 14, a computer according to claim 12 wherein the processor automatically sends a cancel request to the device queue when a cancel request to the server queue fails (Levine: col. 15, lines 62-67; col. 16, lines 25-26; col. 17, lines 18-28).

Regarding claim 15, a computer according to claim 11 wherein the device queue in the peripheral device and the server queue in the network server operate independently and the processor receives a request from the user interface to change priority for a job (Levine: the user interface is the clients interface; ) and then sends separate requests to both the server queue and the device queue according to the priority change request (Levine: col. 16, lines 4-5, lines 23-24) in order to synchronize the request with other jobs in the server queue and device queue (Grzenda: col. 14, lines 35-58).

Regarding claim 16, a computer according to claim 11 wherein the user interface displays a single list of multiple jobs for both the server queue and device queue waiting to be output (Levine: col. 8, lines 24-47), the output status of the jobs, a priority for outputting the jobs, and the server queue or device queue where the individual jobs are currently residing (Levine: col. 16, lines 34-60) and automatically synchronizing the displayed list of multiple jobs by sending requests to each of the server queue and device queue for the same user job requests (Levine: col. 12, lines 14-24).

Regarding claim 17, a computer according to claim 11 wherein the jobs can be any one of a fax job, print job, scan job, or copy job (Levine: col. 6, lines 48-56).

Regarding claim 18, a computer according to claim 11 wherein the peripheral device can be any one or combination of the following: a copier; a scanner; a printer; or a facsimile machine (Levine: col. 6, lines 48-63).

Regarding claim 19, a system for managing jobs in queues (Levine: col. 10, lines 62-64; col. 10, line 52; each device has a queue and the invention issues job management to a devices), comprising:

- a network server having a first queue for storing jobs (Levine: col. 8, lines 48-63 has ESS with composite queue);

- a peripheral device having a second queue for storing jobs and outputting the jobs from the first queue and the second queue (Levine: col. 10, lines 45-54; each device has its own queue); and

- a queue manager coupled to both the network server and the peripheral device over the network for displaying and managing the jobs both on the network server and the device through a same user interface so that jobs for the first and second queue appear together as a single displayed list of queue jobs (Levine: col. 8, lines 44-col. 9, line 2; ESS utility through http / proxy server; col. 9, lines 24-47; composite queue), the queue manager received user job requests that effect the status of jobs in both the first queue and second queue to correspond with the user job requests (Levine: col. 9, lines 24-47).

The Levine reference teaches different devices but does not have them connected through a network.

The Verkler reference teaches a network server and the peripheral device being independently operating devices and the first queue and the second queue being independently operated queues that are not part of the same queuing device, the peripheral device receiving jobs from the first queue over a Local Area Network (LAN) network or Internet network (Verkler: col. 8, lines 38-53).

The Verkler reference further teaches the invention is able to use balancing algorithms to distribute requests to more able agents (Verkler: col. 8, lines 38-53).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the method for managing multiple queues as taught by Levine while implementing the queues on separate devices across the network as taught by Verkler in order to use balancing algorithms to distribute requests to more able agents (Verkler: col. 8, lines 38-53).

Claim 20 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Levine and Verkler.

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Regarding claim 20, a system according to claim 19 wherein the queue manager sends a request to the network server queue to cancel or pause a job and then automatically sends a cancel or pause request to the device queue if the network server queue has already moved the job to the device queue (Levine: col. 16, lines 2-24).

**Claims 8-9 are rejected under 35 U.S.C. 103(a) as unpatentable by U.S. Patent No. 5,974,234 by Levine et al in view of U.S. Patent No. 6,157,941 by Verkler et al in further view of U.S. Patent No. 6,490,611 by Shen et al.**

Regarding claim 8,

The Levine reference teaches a method according to claim 7 including:

receiving requests to move priority (Levine: col. 16, lines 4-5; lines 23-24);

sending a request over the network (Levine: col. 8, lines 44-58; Figure 5) holding all jobs on a queue (Levine: col. 16, lines 2-3); and

releasing the jobs on hold (Levine: col. 16, lines 8-9, lines 22) when a confirmation is received from the second queue that the selected job has been promoted (Levine: col. 16, lines 8-9, lines 22, 25-26, col. 17, lines 20-28).

The Levine reference does not explicitly state promoting a job over jobs in a second queue.

The Shen reference teaches receiving a request to move priority for the selected job on the first queue above priorities for other jobs stored on the second queue (Shen: col. 6, lines 55-58; col. 7, lines 34-38);

holding all jobs on the second queue (Shen: col. 7, lines 1-5) having a priority below the priority requested for the selected job (Shen: col. 2, lines 49-53); and

releasing the jobs on hold when a confirmation is received from the second queue that the selected job has been promoted on the second queue (Shen: col. 7, lines 1-5; flag F is associated with the queue).

The Shen reference further teaches the invention overcomes problems of end-to-end reachability while providing ability to the user to schedule tasks in real time and non-real-time tasks (Shen: col. 3, lines 41-51).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to method of managing multiple queues as taught by Levine while receiving requests to move a job on one queue ahead of other jobs on another queue as taught by Shen in order to overcome problems of end-to-end reachability while providing ability to the user to schedule tasks in real time and non-real-time tasks (Shen: col. 3, lines 41-51).

Claim 9 is rejected under the same rationale given above. In the rejections set forth, the examiner will address the additional limitations and point to the relevant teachings of Levine et al and Shen et al.

Regarding claim 9, a method according to claim 7 including:

receiving a request to move the selected job on the first queue to a priority (Levine: col. 16, lines 4-5; lines 23-24) above other jobs stored on the second queue (Shen: col. 6, lines 55-58; col. 7, lines 34-38);

creating a slot in the second queue for the selected job (Shen: col. 7, lines 34-38; pointer to the queue entry); and

moving the selected job to the slot in the second queue (Shen: col. 7, lines 34-38; pointer to the queue entry).

### **REMARKS**

With respect to the independent claims, the first queue is the composite queue present on the computer with the http server. The peripheral device is the device that the server monitors

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and has its own queue. The examiner understands the differences of the prior art and the invention and suggests further defining the features and functions of a queue manager and its embodiment.

### **Prior Art**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 5,923,826 by Grzenda et al teaches in depth the composite queue features utilized in the Levine et al reference, this is a directly related patent.

U.S. Patent No. 6,874,034 by Hertling et al teaches a queue server that queues jobs in queues for each device.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
Art Unit 2155

*BRB*

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**PRIMARY EXAMINER**